

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 23RD DAY OF JANUARY 2006, AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

| | | |
|----------|-------------------------|---|
| PRESENT: | Steve L. Spradlin | -Chair |
| | Mary W. Biggs | -Vice Chair |
| | Gary D. Creed | -Supervisors |
| | Doug Marrs | |
| | John A. Muffo | |
| | Annette S. Perkins | |
| | James D. Politis | |
| | B. Clayton Goodman, III | -County Administrator |
| | L. Carol Edmonds | -Assistant County Administrator |
| | Martin M. McMahon | -County Attorney |
| | Steve Sandy | -Zoning Administrator |
| | Robert C. Parker | -Public Information Officer |
| | Karen Edmonds | -Human Resources Director |
| | Angie Hill | -Finance & Management Services Director |
| | Marc Magruder | -Budget Manager |
| | Vickie L. Swinney | -Secretary, Board of Supervisors |

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business= or industry=s interest in locating or expanding its facilities in the community.

1. Project # 2006001

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Montgomery County v. Epperly
2. Virginia's First Regional Industrial Facility Authority

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| John A. Muffo | None |
| James D. Politis | |
| Annette S. Perkins | |
| Mary W. Biggs | |
| Doug Marrs | |
| Gary D. Creed | |
| Steve L. Spradlin | |

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| James D. Politis | None |
| Annette S. Perkins | |
| Mary W. Biggs | |
| Doug Marrs | |
| Gary D. Creed | |
| John A. Muffo | |
| Steve L. Spradlin | |

CERTIFICATION OF CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Annette S. Perkins
Mary W. Biggs
Doug Marrs
Gary D. Creed
John A. Muffo
James D. Politis
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Huckleberry Ridge, LLC and Henry Heth Estate Rezoning Request

Huckleberry Ridge, LLC and Henry Heth Estate (Agent: Gay & Neel, Inc.) request to rezone approximately 63 acres from Agriculture (A-1) to Planned Unit Development Residential (PUD-Res), with possible proffered conditions, to allow the development of 245 residential dwellings. The property is located south east of the intersection of Merrimac Road (Rte.657) and Hightop Road (Rte. 808) and is identified as Tax Parcel Nos. 66-A-91, 92 & 67-A-229 (Acct # 010584, 010585, & 035616) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

Huckleberry Ridge, LLC and Henry Heth Estate Easement Request

Huckleberry Ridge, LLC and Henry Heth Estate (Agent: Gay & Neel, Inc.) request a fifty (50) foot right of way easement across the Huckleberry Trail to provide vehicular access from Hightop Road (Route 808) at Martin Drive to the proposed Huckleberry Ridge planned residential community as generally depicted on the conceptual layout prepared by Gay and Neel, Inc dated 12/1/05. The property is identified as tax map nos. 66-A-91, 92 & 67-A-229 (Acct # 010584, 010585, & 035616).

Huckleberry Ridge, LLC and Henry Heth Estate Rezoning Request and Easement Request – CONTINUE TO MARCH 27, 2006

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Board continued the Huckleberry Ridge, LLC and Henry Heth Estate rezoning request and easement request to March 27, 2006.

The vote on the foregoing motion was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Gary D. Creed | None |
| Doug Marrs | |
| Mary W. Biggs | |
| Annette S. Perkins | |
| James D. Polits | |
| John A. Muffo | |
| Steve L. Spradlin | |

The Planning Commission, at their January 11, 2006 meeting, tabled the above request until March 8, 2006 to allow the applicant to address concerns by the Planning Commission.

Warm Hearth, Inc. (Agent: Anderson & Associates, Inc.) Rezoning Request

Warm Hearth, Inc. (Agent: Anderson & Associates, Inc.) requests to rezone 6.036 acres from Agriculture (A-1) to Residential Multi-Family (RM-1), to rezone 4.39 acres from General Business (GB) to Residential Multi-Family (RM-1), with possible proffered conditions, to allow for the development of a senior living facility. The property is located on the Warm Hearth Drive, west of the intersection of Mabry Lane and Warm Hearth Drive, and is identified as Tax Parcel No. 54-A-22 & 53-A-73 (Acct ID # 034309, 020410) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

Warm Hearth, Inc., - Special Use Permit Amendment

Warm Hearth, Inc. (Agent: Anderson & Associates, Inc.) requests to amend a special use permit dated February 13, 1984 allowing for the development of a senior living facility by adding 6.036 and 4/39 acres and by amending condition #2 to require development of the site to be in substantial accordance with the plan entitled, "Overall Site Layout", prepared by Anderson & Associates (Document No. 24284-000) and dated December 1, 2005. The property is located on Warm Hearth Drive, west of the intersection of Mabry Lane and Warm Hearth Drive, and is identified as Tax Parcel No. 54-A-22 & 53-A-73 (Acct ID # 034309, 020410) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

Warm Hearth, Inc., Rezoning Request and Special Use Permit Amendment – CONTINUE TO MARCH 27, 2006

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the Board continued the Warm Hearth, Inc, rezoning request and Special Use Permit Amendment to March 27, 2006.

The vote on the foregoing motion was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Gary D. Creed | None |
| Doug Marrs | |
| Mary W. Biggs | |
| Annette S. Perkins | |
| James D. Polits | |
| John A. Muffo | |
| Steve L. Spradlin | |

The Planning Commission, at their January 11, 2006, meeting tabled the above request until March 8, 2006 to allow the applicant to address concerns by the Planning Commission.

Kim Ridpath & Donald Gatton – Rezoning Request – Re-advertise Public Hearing

Kim Ridpath & Donald Gatton request requests to rezone 0.5 acres from Agriculture (A-1) to Community Business (CB), with possible proffered conditions, to allow a barber shop and residential use. The property is located at 3881 Riner Road, and is identified as Tax Parcel No. 119A-A-4 (Acct # 001732) in the Riner Magisterial District (District D). The property currently lies in an area designated as Village (Riner) in the Comprehensive Plan.

The County Attorney advised the Board that the plaquer notice, a display sign to be posted at the site requesting rezoning, may not have been properly displayed. The sign was placed inside the building, which is questionable. The County Attorney recommended that the public hearing be re-advertised and the plaquer notice be displayed outside where it would be more visible.

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously, the Board instructed the County Administrator to re-advertise the Kim Ridpath & Donald Gatton Rezoning Request.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo
Annette S. Perkins
Mary W. Biggs
Doug Marrs
Gary D. Creed
James D. Politis
Steve L. Spradlin

NAY

None

Montgomery County Board of Supervisors – Special Use Permit -

Montgomery County Board of Supervisors (Agent: Sheriff J.T. Whitt) request a special use permit, with possible conditions, on approximately 1 acre in Agriculture (A-1) to allow the replacement of an existing tower with a 160-foot communications tower. The property is located at 2080 Oilwell Road and is identified as Tax Parcel No. 66-A-55A (Acct # 071091) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

The Zoning Administrator presented a brief overview of the request. The Montgomery County Sheriff's Office is requesting to replace an existing 120 foot radio communications tower with a 160 foot radio communications tower located at 2080 Oilwell Road. The proposed tower will improve the provision of public safety services. The current tower is deteriorating and there are problems with signal interference.

At their January 11, 2006 meeting, the Planning Commission recommended approval of the request to the Board of Supervisors.

Sheriff Tommy Whitt spoke in support of the request. He asked the Board to add this request to their agenda for consideration if there was no citizen opposition at the meeting tonight.

There being no further speakers, the public hearing was closed.

ADD TO THE AGENDA

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the Board added the following to the agenda under New Business:

Special Use Permit – Replacement of Radio Communications Tower

The vote on the foregoing motion was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Gary D. Creed | None |
| Doug Marrs | |
| Mary W. Biggs | |
| Annette S. Perkins | |
| James D. Politis | |
| John A. Muffo | |
| Steve L. Spradlin | |

PUBLIC ADDRESS

Charlie Bowles expressed his appreciation for the Board's decision to re-advertise the Ridpath-Gatton Rezoning Request. He stated the previous sign was not visible to the public and the sign should be placed closer to the road. Mr. Bowles also expressed his concern with the rezoning request as he believes it to be spot zoning. He urged the Board to postpone a decision on the request until the Riner Village Plan is complete.

John Neel, Gay & Neel Inc., spoke in support of the Twin Creek Mobile Home Estate Inc, rezoning. He believes all the issues regarding the private road have been resolved by VDOT. He offered answer any questions from the Board.

There being no further speakers, the public address session was closed.

DELEGATION

Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2005

John Aldridge, Edwards & Company, L.L.P., presented the Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2005.

CONSENT AGENDA

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously, the Consent Agenda dated January 23, 2006 was approved.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Mary W. Biggs | None |
| Annette S. Perkins | |
| James D. Politis | |
| John A. Muffo | |
| Gary D. Creed | |
| Doug Marrs | |
| Steve L. Spradlin | |

Approval of Minutes

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously, the minutes dated October 11, 2005, October 17, 2005 and October 25, 2005 were approved.

R-FY-06-96 ECONOMIC DEVELOPMENT COMMISSION TOWN OF BLACKSBURG REPRESENTATIVE APPOINTMENT

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Ron Rordam** to the Montgomery Regional Economic Development Commission as an elected representative of the Town of Blacksburg effective January 24, 2006 and expiring January 23, 2009.

OLD BUSINESS

**R-FY-06-100
REMOVE FROM THE TABLE
TWIN CREEK MOBILE HOME ESTATE, INC.
REZONING REQUEST**

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby **removes from the table** the Twin Creek Mobile Estate, Inc, request for rezoning of 23.8 acres from Agriculuture (A-1) to Multi-Family Residential (RM-1).

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Annette S. Perkins | None |
| John A. Muffo | |
| Gary D. Creed | |
| Doug Marrs | |
| Mary W. Biggs | |
| James D. Politis | |
| Steve L. Spradlin | |

**ORD-FY-06-18
AN ORDINANCE AMENDING
THE ZONING CLASSIFICATION
OF 23.8 ACRES FROM AGRICULTURE (A-1) TO
MULTI-FAMILY RESIDENTIAL (RM-1)
TWIN CREEK MOBILE HOME ESTATE INC.**

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 23.8 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Multi-Family Residential (RM-1) with the following proffered conditions:

1. The Applicant will develop the property in substantial conformance to the “Conceptual Layout” of Plum Creek Townhomes, Tax Parcel 090-A-5, prepared by Gay and Neel, Inc. dated 09/01/05.
2. The Applicant will develop the property in substantial conformance to the “Narrative Summary and Plans for Plum Creek Townhomes” prepared by Gay and Neel, Inc. dated 12/12/05.
3. The private access and parking area will be owned and maintained by the Individual Owner’s comprising of the Homeowner’s Association. This private access and parking area will not be maintained by Virginia Department of Transportation or Montgomery County at any present or future time. The potential buyers will be notified of this before time of purchase. The deeds and plat will contain language to repeat the fact that this will always remain a private access and parking area.

This action was commenced upon the application of Twin Creeks Mobile Home Estate Inc. (Agent: Gay & Neel, Inc.).

The property is located on the south side of Rock Road (Rte. 688) approximately 0.55 miles west of the Rock Road and Radford Road (US Route 11) intersection and is identified as Tax Parcel No. 90-A-5 (Acct ID # 019380) in the Riner Magisterial District (District D). The property currently lies in an area designated as the Plum Creek Village in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

John A. Muffo

Gary D. Creed

Doug Marrs

Mary W. Biggs

Annette S. Perkins

James D. Politis

Steve L. Spradlin

NAY

None

R-FY-06-101
BLACKSBURG/CHRISTIANSBURG/VPI
WATER AUTHORITY PARTICIPATION STUDY

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, By resolution dated August 23, 2004 the Board of Supervisors authorized the Chairman to contact and petition the Blacksburg/Christiansburg/VPI Water Authority to accept Montgomery County as a member of the Authority; and

WHEREAS, The Water Authority owners responded by agreeing to authorize the Water Authority to undertake a comprehensive study of the financial and operational impacts the County's membership would have on the Water Authority members and the County; and

WHEREAS, The study is to be conducted completely under the auspices of the Water Authority and funded by Montgomery County, contingent upon prior approval of the contract amount and involvement in the process; and

WHEREAS, The Water Authority at its January 18, 2006 meeting approved the proposed scope and contract with Black & Veatch and Drapen Aden and authorized the study; and

WHEREAS, The County Administrator was involved in the approval of the study scope and recommends that the study be permitted to continue.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to move forward with the Participation Study and authorizes an amount not to exceed \$95,000 to fund said study.

The vote on the foregoing resolution was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Gary D. Creed | None |
| Doug Marrs | |
| Mary W. Biggs | |
| Annette S. Perkins | |
| James D. Politis | |
| John A. Muffo | |
| Steve L. Spradlin | |

NEW BUSINESS

R-RY-06-102 DESIGNATION OF FISHERS VIEW ROAD (SR 609) AS RURAL RUSTIC ROAD

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

WHEREAS, During the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the code of Virginia, to allow for the improvement and hardsurfacing of certain roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, VDOT has expressed a willingness to adopt this concept on a pilot basis until the program is fully implemented to assist in developing and defining the guidelines to be used for the program; and be evaluated by VDOT with regard to safety, resident concerns, and environmental issues; and.

WHEREAS, Such roads must be located in a low-density development area, and have no more than 500 vehicles per day; and

WHEREAS, There is no pending development that will affect the existing traffic on the road; and

WHEREAS, The citizens that utilize this road have indicated their support of this road being paved with minimal improvements; and

WHEREAS, A road that traverses an area known for its scenic vistas or a historic and relaxed ambiance is one that should be considered for designation as a Rural Rustic Road; and

WHEREAS, This Board believes Route 609, Fisher's View Road should be designated a Rural Rustic Road, From: Floyd County Line To: 1.5 mi. N. Floyd County Line owing to its qualifying characteristics; and

WHEREAS, The road aforesaid is in this Board's six-year plan for improvements to its secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby designates and requests the Virginia Department of Transportation's Resident Engineer to concur in Fishers View Road (SR 609) as a Rural Rustic Road.

BE IT FURTHER RESOLVED, This Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, This Board pledges to discourage more development on this road.

BE IT FURTHER RESOLVED, That a certified copy of this resolution is forwarded to the Resident Engineer for the Virginia Department of Transportation.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Doug Marrs | None |
| Mary W. Biggs | |
| Annette S. Perkins | |
| James D. Politis | |
| John A. Muffo | |
| Gary D. Creed | |
| Steve L. Spradlin | |

**R-FY-06-103
RURAL ADDITION PRIORITY LIST
FOR FY 2006-2007**

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Rural Addition Priority List for Fiscal Year 2006-2007 is approved as follows:

- Priority 1** **Big Vein Road.** Beginning at a point on Route 652, 0.3 mi. west of Route 696, and thence extending in a northerly direction 0.5 mi. to a turn-around. Estimated project cost - \$85,000.
- Priority 2** **Cornbread Road.** Beginning at a point on Route 665, 0.40 mi. west of Route 787, and thence extending in a southerly direction 0.45 mi. to a turn-around. Estimated project cost - \$80,000.
- Priority 3** **Regency Road.** Beginning at a point on Route 753, 0.04 mi. north of Route 11/460, and thence extending in a westerly direction 0.05 mi. to a turn-around. Estimated project cost - \$10,000.
- Priority 4** **Sunflower Road.** Beginning at the end state maintenance of Route 729, 1.0 mi. north of Route 612, and thence extending in a northerly direction 0.70 mi. to a turn-around. Estimated project cost - \$260,000.

- Priority 5** **Brake Road.** Beginning at the end of State maintenance of Route 831 and extending in a southerly direction 0.671 mi. to a turn-around. Estimated project cost - \$170,000.
- Priority 6** **Wrights Way.** Beginning at a point on Route 785 and extending in a northerly direction .17 mi to a turn-around. Estimated project cost - \$60,000.
- Priority 7** **Opal Lane.** Beginning at a point on Route 815, 0.95 mile north of Route 785 and thence extending in an easterly direction 0.20 mile to a turn around. Estimated project cost - \$60,000.
- Priority 8** **Walthall Street.** Beginning at the end of state maintenance on Route 740, an extension of Route 740 and extending 0.15 mile. Estimated project cost - \$70,000.
- Priority 9** **McPeak Drive.** Beginning at the end of State Maintenance on Route 792 and extending in a southerly direction approximately 0.42 mile to the end. Estimated project cost - \$180,000.
- Priority 10** **Cornstalk Road.** Off Rte. 616. Length-0.60 mi. Estimated Cost \$350,000.
- Priority 11** **Flick Drive.** Off Rte. 637. Extension of Rte. 816. Estimated Cost \$60,000.
- Priority 12** **Hawley Road.** Off Rte. 663. Length 0.40 mi. Estimated Cost \$140,000.

The vote on the foregoing resolution was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Mary W. Biggs | None |
| Annette S. Perkins | |
| James D. Politis | |
| John A. Muffo | |
| Gary D. Creed | |
| Doug Marrs | |
| Steve L. Spradlin | |

A-FY-06-66
VDOT REVENUE SHARING PROGRAM
APPROPRIATION OF FY 04-05 FUNDS
FOR REMITTANCE TO VDOT

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

| | | |
|-----|----------------------|-----------|
| 100 | Board of Supervisors | \$125,000 |
|-----|----------------------|-----------|

The source of the funds for the foregoing appropriation is as follows:

| | | |
|------------------------|----------------------------|-----------|
| <u>Revenue Account</u> | | |
| 451205 | Designated Fund Balance | |
| | – Road Maintenance Reserve | \$125,000 |

Said resolution appropriates the balance of the County's FY 04-05 VDOT Revenue Sharing funds for spot widening on Crab Creek Road (SR 660), \$50,000 and for spot widening on Brush Creek Road (SR 617), \$75,000.

The vote on the foregoing resolution was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Annette S. Perkins | None |
| James D. Politis | |
| John A. Muffo | |
| Gary D. Creed | |
| Doug Marrs | |
| Mary W. Biggs | |
| Steve L. Spradlin | |

R-FY-06-104
REVISIONS TO THE
PERSONNEL POLICIES AND
PROCEDURES

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves and authorizes changes to the County Personnel Policies and Procedures dated January 2006 as follows:

REVISIONS TO COUNTY PERSONNEL POLICIES AND PROCEDURES 2006

Italics = new language

~~Strikethrough~~ = language to be deleted

2.3 EMPLOYMENT CONSIDERATION FOR VETERANS

Pursuant to Section 15.2-1509 of the Code of Virginia, the County shall take into consideration a Veteran's status in the County's employment hiring policies and practices. Applicants who receive consideration in employment hiring policies and practices shall meet the following conditions:

A. *Veteran Defined*

An individual defined as a Veteran has received an honorable discharge and has 1) provided more than 180 consecutive days of full-time, active duty service in the armed forces of the United States or reserve components thereof, including the National Guard or 2) has a service connected disability rating fixed by the United States Veterans Administration.

B. **Meet Job Requirements**

An applicant that receives Veteran consideration shall meet all the knowledge, skills and eligibility requirements for the available position.

The County shall also give additional consideration to Veterans who have service- connected disability rating fixed by the United States Veterans Administration.

Mandated State law change.

2.4 EMPLOYMENT

...

C. Employment Notice

...

~~3. Internal Notice of Recruitment~~

- a. ~~—In support of employee career advancement, when it is determined jointly by the Department Director and the Human Resources Director that there are a sufficient number of qualified County employees to meet the duties, responsibilities, and qualifications of the vacant position, an "Employees Only" internal job announcement may first be posted throughout County facilities to provide employees the opportunity to apply.~~

- b. ~~The "Employment Notice" shall be posted for a minimum of five (5) workdays, on official County bulletin boards throughout County facilities.~~
- c. ~~Employees who wish to be considered for any advertised position must complete all supplemental information required by the Human Resources Department by the closing date specified.~~

4. ~~External~~ Recruitment

- a. ~~When it is determined that a recruitment is not to be restricted exclusively to County employees,~~ An external recruitment shall be conducted and applications from the general public and from employees shall be accepted.

Recommended by County Management Team – that all positions be advertised outside and inside the County.

2.11 ACCESS TO PERSONNEL FILES

...

- C. Personnel files are the property of the County, and the information they contain shall not be disclosed or disseminated except as required by law or for a proper purpose of the department collecting or maintaining such records. *An employee may review the contents of his/her personnel file under the supervision of the Human Resources Director and may receive copies of documents in the file.*

Clarification recommended by State DSS.

4.5 PROMOTION

A promotion is the movement of an employee from one class of position to another of a higher salary range in which the employee meets the minimum qualification requirements.

- A. When an employee is promoted, the employee's salary shall be increased by five percent (5%) of the midpoint or the minimum of the new range, whichever is greater. *A higher rate of compensation may be recommended by the Department Director to the County Administrator in the case where the employee's qualifications exceed the requirements for the class. ...*

Recommended by County Management Team to allow internal employees being promoted to negotiate salary.

4.10 CAREER DEVELOPMENT INCREASES

- A. *Constitutional Offices/State Agencies:*

Career development increases require that the employee has met certain criteria "above and beyond" normal job duties, through continuous education and professional standards achievements. The intent of this program would be to award an increase to the

employee without penalizing his/her current salary status with the County. Therefore, the following criteria are established:

An individual who currently earns more from the County (with any County supplement) than the State compensated salary (with any State across-the-board increments) would receive the full allotted increase, due to qualifying for a Career Development increase in salary, to the individual's County salary. This would not include any across-the-board State increments not associated with a Career Development increase, generally effective 12/1, as they would be considered a revenue offset.

An individual who currently earns less from the County (with the County supplement) than any new State compensated minimum salary would receive the amount of the State across-the-board increase and the full allotted increase for the Career Development in addition to the State salary, plus the addition of any County supplement being paid prior to receiving the Career Development increase. In this case, the individual must receive the across-the-board increment because the County cannot pay the individual less than the new State salary, and the supplement cannot offset it in order to keep with the above philosophy.

Addresses Career Development increases with Constitutional Offices in terms of what the employee receives in relationship to the revenue offset to the County.

8.1 LEAVE DEFINED

Leave is any approved absence during regularly scheduled work hours that has been authorized by the proper authority. Leave may be authorized with or without pay. An *unapproved* absence without leave is considered unauthorized leave (AWOL) and is subject to disciplinary action. *An approved absence without leave may be authorized by the Department Director or Constitutional Officer or County Administrator in accordance with the Leave Without Pay section of these policies.*

Clarification recommended by State DSS.

8.5 ANNUAL LEAVE

...

E. An employee who transfers from a temporary to regular position, without a break in service, may receive annual leave credit from the date of temporary appointment.

Credit is conditional upon the following:

1. The permanent position must be identical or ~~near-identical~~ *similar* to the temporary position in duties and level of responsibility; and
2. The employee must have worked an average of 30 hours per week in the temporary position.

Clarification recommended by State DSS.

8.6 SICK LEAVE

A. Sick Leave Accrual

1. Regular full-time employees shall ~~earn~~ *accrue* sick leave as follows:

B. Granting of Sick Leave

The Department Director shall grant sick leave to eligible employees in accordance with the following provisions:

1. Leave for sickness shall not exceed the total amount ~~credited by~~ *accrued* by an employee at the time of absence; sick leave shall not be advanced;

C. Sick Leave Policy

~~2. Maternity/Pregnancy Related Absences~~

- ~~a. Employees who are absent because of pregnancy shall have their leave requests handled in the same manner as any other temporary disability and shall be governed by the provisions of this section.~~
- ~~b. Requests for time off associated with pregnancy and childbirth, once the employee has been medically released to return to work by the employee's physician shall be considered in the same manner as any other request for personal leave.~~

...

7. Montgomery County Sick Leave Bank

...

Use of Sick Leave Bank

Utilization of the Sick Leave Bank shall be as follows:

...

4. A maximum of ninety (90) *calendar* days each calendar year, with administrative review to occur at each (30) day interval by the Human Resources Director, may be withdrawn by a member meeting the requirements.

...

Clarifications recommended by State DSS. Pregnancy language deemed to be redundant since it is already addressed in Section C.1.

8.5 BEREAVEMENT LEAVE

- A. Regular full-time employees may be granted up to five workdays of bereavement leave *in a calendar year*. *Bereavement leave may be used* in the event of the death of an immediate family member. This leave is granted with pay and is not charged against an employee's other leave accruals.

...

Clarification recommended by State DSS.

8.9 MILITARY LEAVE

- A. Eligibility

Regular full-time *and part-time* employees, including those serving a probationary period, are eligible for military leave, with or without pay. Temporary ~~and part-time~~ employees are not eligible for military leave.

...

Recommended by State DSS to include same military leave benefits for part-time employees.

8.11 EMERGENCY CLOSINGS POLICY

... On weekends or after standard County work hours, *agency heads and/or Constitutional Officers or designee* of the affected agencies may make this determination.

...

Clarification recommended by State DSS.

8.12 ADMINISTRATIVE LEAVE

...

- B. ...
In cases where Administrative Leave is approved for exempt employees who work extraordinary hours, it is not meant to be an "hour taken for hour worked" accounting. It is subject to approval by the Department Director or Constitutional Officer and is not a guarantee. A Director may recognize Administrative Leave only when it is clear that extraordinary hours have been worked.

Recommended by County Management Team to clarify existing Administrative Leave provisions for exempt employees.

CHAPTER 9 – BENEFITS

...

It is important that employees advise the Human Resources Department of any personal status changes (i.e., marriage, divorce, change in dependents or beneficiaries) *within 31 calendar days* which could affect their benefits or those of their dependents.

...

Clarification recommended by State DSS.

9.3 RETIREMENT

...

B. Amount of Benefit

1. VRS offers several alternative methods of receiving retirement benefit payments (these options are outlined in the Handbook for Members, *available with forms online at <http://www.varetire.org>*

Clarification recommended by State DSS.

9.4 WORKERS' COMPENSATION

A. Coverage

...

4. Medical and life insurance, long-term disability insurance, and retirement benefits for an employee who is off work and covered by Workers' Compensation (Section 9.4) shall continue to be in effect, even if the employee had previously exhausted all annual, sick, and compensatory leave. *Any employee covering dependents continues to be responsible for paying the dependent cost share.*

...

Clarification recommended by State DSS.

9.7 EFFECT OF EMPLOYMENT STATUS CHANGE ON BENEFITS

...

Notice Requirements

The plan will offer COBRA continuation coverage to qualified beneficiaries only after the Human Resources Director or designee has been timely notified (*within 60 days*) that a qualifying event has occurred. ...

Clarification recommended by State DSS.

12.4 LAYOFF

...

- A. When a reduction in the workforce necessitates the actual removal of personnel because of reduced appropriations, lack of sufficient work or funds, or County-wide or departmental reorganization, layoffs may be ordered by the County Administrator in the following order:

1. The order of the layoffs shall be inverse to the relative value of the employees to the County as determined by the County Administrator. *Such determinations would be based on an evaluation of the qualifications, years of service, and performance evaluation scores of employees within the affected classification(s).*

...

Clarification recommended by State DSS.

12.5 SEPARATION DATE

- A. When an employee ~~separates~~ *resigns or is dismissed* from County service, the effective date must be the last day that such employee is physically on the job. The County will not be liable for matters affecting the employee following his/her physical absence from the job. It is not permissible to delay the effective date of termination by any amount of accumulated annual or compensatory leave due the terminated employee. Pay for an annual leave balance due to eligible employees shall be paid on a lump sum basis.

When an employee retires, the effective date of separation may be delayed by an amount of accumulated annual or compensatory leave, if the employee so chooses. The retirement date must be the 1st day of the month.

Clarification recommended by State DSS.

The vote on the foregoing resolution was as follows:

AYE

James D. Politis
John A. Muffo
Gary D. Creed
Doug Marrs
Mary W. Biggs
Annette S. Perkins
Steve L. Spradlin

NAY

None

R-FY-06-105
RESOLUTION ESTABLISHING THE
RINER VILLAGE ADVISORY COMMITTEE TO
PARTICIPATE IN THE RINER VILLAGE PLANNING PROCESS

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, the Montgomery County 2025 Comprehensive Plan identifies Riner as one of seven villages in the County that are separate and distinct from each other and from nearby towns and have a mixture of residential, business, and institutional uses in a traditional development pattern and that serve as a focal point for surrounding rural areas; and

WHEREAS, The Montgomery County 2025 Comprehensive Plan calls for the County to work jointly with the residents of each village and surrounding area to define a specific village expansion boundary and to prepare a village plan to guide future development; and

WHEREAS, The Riner Village Advisory Committee provides a core of interested stakeholders who have made a commitment to actively participate in the village planning process for Riner.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby establishes the Riner Village Advisory Committee to participate in the village planning process for Riner and provide a recommendation to the Board of Supervisors for a village plan to guide future development.

BE IT FURTHER RESOLVED, The Board of Supervisors appoints the following individuals to the Riner Village Advisory Committee:

| | | |
|-----------------|------------------|----------------------|
| Kathy Baker | Charles Bowles | Kelly Brennan |
| Derek Burton | Glen Duncan | Greg Duncan |
| Bill Greear | Crystal D. Handy | Aaron Hofberg |
| Mike Keen | Kenny Moles | Tracy Moran |
| John Neel | Jay Newman | Mary H. North |
| Carl Pauli | James D. Politis | Jenny Reed |
| Virginia Reilly | Michael Reilly | Guylene Wood -Setzer |
| Janet Shelburne | Margaret Smith | Jerry Smith |
| Marvi Stine | Robert Styne | Laura Teany |
| Fran Tielman | Arnie Trope | Diane Whitescarver |

BE IT FURTHER RESOLVED, That non-membership does not preclude citizen participation.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo
Gary D. Creed
Doug Marrs
Mary W. Biggs
Annette S. Perkins
James D. Politis
Steve L. Spradlin

NAY

None

R-FY-06-106
MONTGOMERY COUNTY BOARD OF SUPERVISORS
AGENT: SHERIFF J.T. WHITT
REPLACEMENT OF AN EXISTING TELECOMMUNICATION TOWER

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Montgomery County Board of Supervisors (Agent: Sheriff J.T. Whitt) request for a special use permit in Agriculture (A-1) to allow the replacement of a 120-foot tall communications tower with a 160-foot tall communications tower, is hereby approved subject to the following conditions:

1. The tower shall not exceed a total overall height of 160 feet and shall not have lighting.
2. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted and approved by the Building Official prior to issuance of a building permit.
3. The tower structure shall only be utilized by sheriff, police, fire/rescue, Blacksburg Transit and similar governmental agencies. No platforms or dishes shall be permitted on the structure above the tree line.
4. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
5. Removal of old tower in 190 days of operation of the new replacement tower.

The property is located at 2080 Oilwell Road and is identified as Tax Parcel No. 66-A-55A (Acct ID # 071091) in the Prices Fork Magisterial District. The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| John A. Muffo | None |
| Gary D. Creed | |
| Doug Marrs | |
| Mary W. Biggs | |
| Annette S. Perkins | |
| James D. Politis | |
| Steve L. Spradlin | |

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. FY 2006-2007 Budget

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Gary D. Creed | None |
| Doug Marrs | |
| Mary W. Biggs | |
| Annette S. Perkins | |
| James D. Politis | |
| John A. Muffo | |
| Steve L. Spradlin | |

FY 2006-2007 Budget

The Budget Manager provided an update on the County's FY 2006-2007 Budget. He presented estimated revenue growth, estimated increases in the health insurance (17%), workers compensation insurance (5%), group life insurance (1.2%), and VRS increase (.82%). He also provided county addenda request, which totals \$2,471,810. Addenda requests are made by departments for new dollars over their base budget, for either one-time purchases or additional monies to their base budget. The Budget Manager discussed the capital needs for the county and for the fire and rescue.

He presented three options for funding all county requests, which ranged from a 4.96 cents tax increase to a 9.16 cents tax increase. Please note that the scenarios provided to fund budget requests and capital needs do not take into account any general fund dollars requested by the Schools. The School proposed budget is scheduled to be submitted to the County Administrator on February 10, 2006.

The Budget Manager reported that there will be continuation of analysis of the county base budget, addendum requests, and revenue patterns and projections.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Mary W. Biggs | None |
| Annette S. Perkins | |
| James D. Politis | |
| John A. Muffo | |
| Gary D. Creed | |
| Doug Marrs | |
| Steve L. Spradlin | |

**R-FY-06-107
BOARD OF SUPERVISORS
SCHEDULE BUDGET WORK SESSION
FEBRUARY 6, 2006**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby schedules a FY 06-07 Budget Work Session for Monday, February 6, 2006 at 7:30 p.m. or as soon thereafter, to be held at the Montgomery County Government Center, County Administration Suite, 2nd Floor, Christiansburg, Virginia.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Mary W. Biggs | None |
| Annette S. Perkins | |
| James D. Politis | |
| John A. Muffo | |
| Gary D. Creed | |
| Doug Marrs | |
| Steve L. Spradlin | |

COUNTY ADMINISTRATOR'S REPORT

Christiansburg Rescue – Riner Satellite Station

The County Administrator updated the Board on the progress of the Riner Satellite Station. The Christiansburg Rescue Squad is moving forward on this project and continuing to raise donations. The County will be forwarding the money appropriated for this project to the Christiansburg Rescue Squad in order to pay for expenses incurred.

BOARD MEMBERS' REPORTS

Supervisor Muffo Peace Sculpture Supervisor Muffo asked the status of the request to locate the peace sculpture at the Government Center. The County Administrator reported that an art policy is being drafted, which will be forwarded to Board members for their review and approval in the near future.

Supervisor Politis believes the Board needs to look into other sources of revenue for the County. He suggested they look at the option of allowing liquor by the drink in order to bring in additional revenue. He understands that to allow liquor by the drink it must first be approved by the citizens of the County through voter referendum. The liquor by the drink does not have to be county wide but by county districts that would benefit by allowing the option of liquor by the drink. The County Attorney was instructed to check into the process and report back to the Board at their next meeting.

VACo's Health & Human Services Steering Committee – Supervisor Politis reported that Montgomery County does not have a representative on VACo's Health & Human Services Steering Committee. He asked if a non-elected official can serve on VACo's steering committees; if so, he suggested a member of the Department of Social Services Board be appointed as Montgomery County's representative. Staff was instructed to check with VACo to see if non-elected officials could be appointed.

Supervisor Marrs Yellow Sulphur Road a community meeting is scheduled for January 31, 2006 at the Cambria Baptist Church at 7:00 p.m. to discuss Yellow Sulphur Road issues.

Supervisor Creed- Willis Hollow Road Supervisor Creed requested an update from VDOT on the status of upgrading a portion of Willis Hollow Road. The residents who live on Willis Hollow road were told that this road was going to be built up and are wondering when this is going to happen. Supervisor Creed asked that VDOT provide an update in writing.

Supervisor Biggs Montgomery-Floyd Regional Library Board Supervisor Biggs reported the following activities:

- Meadowbrook Library is scheduled to open this week, with an open house on Saturday from 2 – 4 p.m.
- The Library Board is seeking applications for a new library director.

School Board – Supervisor Biggs reported the School Board will be holding a public hearing on their proposed budget on February 7, 2006.

VACo Steering Committee - Supervisor Biggs reported she has been invited to serve on VACo's Education Steering Committee as Chair and also on the Resolutions Steering Committee.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, February 6, 2006 at 7:30 p.m., or as soon thereafter following the Public Service Authority Meeting for a special meeting on the FY 2006-2007 Budget.

The vote on the foregoing motion was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Mary W. Biggs | None |
| James D. Politis | |
| Annette S. Perkins | |
| John A. Muffo | |
| GARY D. Creed | |
| Doug Marrs | |
| Steve L. Spradlin | |

The meeting adjourned at 9:00 p.m.

| | |
|--|--|
| APPROVED: _____ | ATTEST _____ |
| Steve L. Spradlin Chair, Board of Supervisors | B. Clayton Goodman, III County Administration |